

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:21-CV-00131-KDB**

JOHN M. KURKOWSKI,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff's motion for an extension of time, (Doc. No. 8) ("Motion"), to file a response to the Defendant's Motion to Dismiss. This Order is hereby issued to address a portion of the Motion that the Court's earlier order, (Doc. No. 10), which granted the Plaintiff a 30-day extension to respond to Defendant's Motion to Dismiss, did not address. In the motion for an extension of time, Plaintiff also objected to the removal of this action and moved this Court to remand the case to state court. For the reasons discussed below, the Court will **DENY** the motion to remand.

Plaintiff argues that the Court should remand this case because there is not an excess of \$75,000 in controversy between the parties and thus there is no diversity jurisdiction in this case. The Defendant argues that on its face the complaint seeks to recover at least \$300,000 in actual and treble damages, at least \$25,000 in punitive damages, \$1,000 in statutory damages, and reasonable attorney's fees. The Court need not address whether the amount in controversy exceeds \$75,000 as there is federal question jurisdiction in this case. The Court has jurisdiction over Plaintiff's claim that Wells Fargo violated the Fair Debt Collection Practices Act in Paragraph

19(e) of the Complaint and supplemental jurisdiction exists over Plaintiff's remaining claims. *See* 28 U.S.C. §§ 1331 and 1367.

IT IS THEREFORE ORDERED that Plaintiff's Motion, (Doc. No. 8), is **DENIED** as to the issue of remanding the case to state court.

SO ORDERED.

Signed: September 20, 2021

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

